

REMARKS

This responds to the Office Action mailed on April 19, 2007.

Claims 95, 102, 108, and 114 are amended; claims 1-94 were previously canceled without prejudice to the Applicant; as a result, claims 95-119 are now pending in this application.

§103 Rejection of the Claims

Claims 95-105 and 107-118 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Feedback Forum (eBay.com, November 10, 1999 via web.archive.org) in view of Fuerst (U.S. 6,189,029).

Claims 106 and 119 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Feedback Forum in view of Fuerst and further in view of Bayer et al. (U.S. 6,311,190).

Concerning claims 95-105 and 107-118

As for the Feedback Forum, the Examiner has stated in the final Office Action mailed on April 19, 2007, page 2, section 4, that the Feedback Forum (pages 1 and 2) teaches presenting predefined feedback comments to a first user in response to an online payment transaction between the first user and a second user.

Applicant respectfully disagrees with the Examiner's interpretation of the Feedback Forum as teaching the "predefined feedback comments" limitation. Applicant submits that the Feedback Forum merely teaches why it can be valuable tools to buyers and sellers (page 1), and the six (6) ways the Feedback Forum can be used to see feedback, to leave feedback, to review feedback, to make feedback changes, and to use the feedback FAQ (pages 1 and 2).

Applicant respectfully submits that the Examiner incorrectly interprets the six (6) ways that the Feedback Forum can be used to read on the "predefined feedback comments" limitation as claimed in independent claim 95.

The Feedback Forum further teaches away from using “predefined feedback comments” by specifically teaches “(Y)ou can **leave a brief comment** for any eBay user. Most members **leave messages about a buy or sell transaction, but you can leave a note about anything.**” (Emphasis added) Applicant submits that the Feedback Forum teaches freeform commenting as in “you can leave a note about anything”, which is in contrast to using a feedback system that has “predefined feedback comments”. Examples of “predefined feedback comments” related to the invention as claimed in independent claim 95 are illustrated in Figures 7A, 7B, 8A, and 8B and described in the specification starting on page 14, line 21 to page 17, line 3.

As for Fuerst, Applicant submits that Fuerst is a survey tool used for exclusively evaluating products of an enterprise. Fuerst does not teach the limitation “predefined feedback comments”, as claimed in independent claim 95.

Applicant submits that neither the Feedback Forum nor Fuerst individually or in combination teach the invention as claimed in independent claim 95, and that the independent claim 95 is patentable over the Feedback Forum in view of Fuerst.

Therefore, Applicant respectfully requests that the rejection of this independent claim and its corresponding dependent claims be withdrawn.

Applicant submits that, at least for reason provided above, independent claims 102, 108, and 114 also patentable over the Feedback Forum in view of Fuerst. For example, each of the independent claims 102, 108 and 114 include the limitation “predefined feedback comment” which is not taught by either the Feedback Forum or Fuerst.

Therefore, Applicant respectfully requests that the rejection of these independent claims and their corresponding dependent claims be withdrawn.

Concerning claims 106 and 119

Claims 106 and 119 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Feedback Forum in view of Fuerst and further in view of Bayer et al. (USPN 6,311,190) (“Bayer”). Claims 106 and 119 depend from independent claims 102 and 114, respectively; thus, for the reasons presented above with respect to claims 102 and 114, Applicant requests that the rejections of claims 106 and 119 be withdrawn.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (408) 287-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/740,502

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Title: METHOD AND APPARATUS FOR PROVIDING PREDEFINED FEEDBACK

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Respectfully submitted,

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Date October 22, 2007

By /David N. Tran/

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22 day of October 2007.

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Signature

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